

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Hollis J. Larson,

Case No. 13-cv-1074 (JRT/DJF)

Plaintiff,

v.

ORDER

The Minnesota Sex Offender Program, et al.,

Defendants.

Plaintiff Hollis J. Larson is civilly committed under the Minnesota Sex Offender Program (“MSOP”). He filed his Complaint on May 6, 2013 (ECF No. 1) alleging various forms of maltreatment at the MSOP. The Court stayed this action for almost a decade pending the disposition of *Karsjens v. Minnesota Department of Human Services*, Case No. 11-CV-3659 (DWF/TNL), and lifted the stay on October 3, 2022. (ECF No. 24.) Mr. Larson filed a motion for leave to proceed *in forma pauperis* on May 6, 2013 (ECF No. 2) and filed a motion for appointment of counsel on July 13, 2022 (ECF No. 20). On December 1, 2022, the undersigned Magistrate Judge found that Mr. Larson presented a colorable basis for relief and granted his application to proceed *in forma pauperis* (ECF No. 2), but denied his Motion to Appoint Counsel (ECF No. 20). (ECF No. 32.)

Mr. Larson sought to appeal the denial of appointment of counsel directly to the Eighth Circuit and requested that the Court grant him permission to proceed *in forma pauperis* on appeal. (ECF Nos. 40, 42.) Plaintiff also filed a self-styled Notice of Motion and Motion for Leave to Use Original Record on appeal (ECF No. 43). On January 19, 2023, the District Judge entered an Order denying Plaintiff’s application for leave to proceed *in forma pauperis* on appeal on grounds

that it was legally frivolous, since the proper means to review a Magistrate Judge's order, including the Order denying his motion for appointment of counsel, was by appeal to the District Judge. (ECF No. 49 at 4.) Based on the District Judge's Order, the Court finds Mr. Larson's Notice of Motion and Motion for Leave to Use Original Record (ECF No. 43) is moot.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** Plaintiff's Notice of Motion and Motion for Leave to Use Original Record (ECF No. 43) is **DENIED** as moot.

Dated: January 20, 2023

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge